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In the Supreme Court of the United States

OCTOBER TERM, 1950

No. 509

SUCKOW BORAX MINES CONSOLIDATED, INC., a corporation; MOJAVE BORAX COMPANY, LTD., a corporation; PAUL O. TOBELER, Executor of the Last Will and Testament of John K. Suckow, Deceased, and RUTH E. SUCKOW,

Petitioners,

vs.

BORAX CONSOLIDATED, LTD., PACIFIC COAST BORAX COMPANY, UNITED STATES BORAX COMPANY, AMERICAN POTASH & CHEMICAL CORPORATION, STAUFFER CHEMICAL COMPANY, WEST END CHEMICAL COMPANY, et al.,

Respondents.

Brief in Opposition to Petition for Rehearing After Order Denying Writ of Certiorari

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Rule 33(2) confines a petition for rehearing after denial of a petition for writ of certiorari to (1) intervening circumstances and (2) grounds not presented in the original petition although then available.

No such circumstances or grounds are stated in the petition for rehearing. Apart from the certificate of counsel required by Rule 33, the petition does not even pretend to present such grounds. It is merely a condensed version of the petition for certiorari. Every authority cited in it was cited in the original petition; every contention in it was made there.

The petition for rehearing contains six numbered points. The first was presented in the petition for certiorari at pages 8 to 12 and 21 to 25 and was answered by our brief in opposition, at pages 6 to 11.

The second, third and fourth points are all one. They were presented in the petition for certiorari at pages 25 to 35 and were answered in the brief in opposition at pages 12 to 15. The fifth point was made in the petition for certiorari at pages 13 to 19 and 21 to 23 and was answered in the brief in opposition at pages 12, 13 and 16. The sixth was urged in the petition for certiorari at pages 3, 5, 35 to 37 and was answered in the brief in opposition on page 13.

We respectfully submit the petition for rehearing should be denied.

Dated: March 30, 1951.

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